

Message Text

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PASS TO SCICON C. MCCLELLAND

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SUBJECT: PROPOSED PATENT ADDENDUM FOR NRC/BMI ARRANGEMENT

1. PATENT ADDENDUM.

2 FOR EVERY INVENTION WHICH IS PRODUCED OR DESIGNED DURING THE TERM AND IN PURSUANCE OR ON THE BASIS OF THIS TECHNICAL EXCHANGE CONCERNING COOPERATION IN THE AREA OF SAFETY OF NUCLEAR-ORIENTED INSTALLATIONS AND ENVIRONMENTAL PROTECTION BETWEEN THE NUCLEAR REGULATORY COMMISSION OF THE UNITED STATES (NRC) AND THE FEDERAL MINISTER OF THE INTERIOR (BUNDESMINISTER DES INNERN, BMI) OF THE FEDERAL REPUBLIC OF GERMANY, THE FOLLOWING APPLIES:

3. (1) WHEN THE INVENTION IS MADE USING INFORMATION WHICH HAS BEEN COMMUNICATED ON THE BASIS OF THIS EXCHANGE AGREEMENT BY ONE PARTY, THEIR CONSULTANTS OR THEIR CONTRACTORS, THE PARTY MAKING THE INVENTION ACQUIRES ALL RIGHTS, TITLE AND INTERESTS TO AND FOR SUCH INVENTION, DISCOVERY, PATENT APPLICATION OR PATENT IN ALL COUNTRIES, ALTHOUGH WITH THE UNCLASSIFIED

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OBLIGATION OF GRANTING THE OTHER CONTRACTING PARTY A TAX-

FREE, NOT EXCLUSIVE AND IRREVOCABLE LICENSE, ALSO INCLUDING
RIGHT TO GRANTING SUBLICENSES, TO SUCH AN INVENTION, DIS-
COVERY, PATENT APPLICATION OR PATENT IN ALL COUNTRIES.

4. (1.2) THE CONTRACTING PARTIES HAVE AGREED THAT THIS
ARRANGEMENT SHOULD ALSO INCLUDE PATENTS WHICH ARE TAKEN
OUT BY THE EUROPEAN PATENT OFFICE AFTER THE EFFECTIVE
DATE OF THE EUROPEAN PATENT AGREEMENT. IF DIFFICULTIES IN
APPLICATION OF THIS PATENT AGREEMENT SHOULD OCCUR FOLLOW-
ING THE EFFECTIVE DATE OF THE EUROPEAN PATENT AGREEMENT,
IT FOLLOWS THAT EACH CONTRACTING PARTY CAN PROPOSE THOSE
CHANGES WHICH ARE REQUIRED TO EFFECT ADJUSTMENT OF THE
ABOVE CLAUSE.

5. (1.3) NO CONTRACTING PARTY MAY RESORT TO DISCRIMINAT-
ING MEASURES AGAINST CITIZENS OF THE OTHER CONTRACTING
PARTY WITH RESPECT TO GRANTING ABOVENAMED LICENSES OR
SUBLICENSES;

6. (1.4) THE CONTRACTING PARTIES FOREGO IN RELATIONSHIP
WITH ONE ANOTHER THE REIMBURSEMENT FOR ALL COSTS ARISING
TO THEM ESPECIALLY FROM OBLIGATION FOR PAYMENT OF REIM-
BURSEMENTS, PREMIUMS, CHARGES OR INDEMNIFICATIONS WITH
RESPECT TO THE ORIGIN, ACQUISITION OR APPLICATION FOR
PATENT RIGHTS WHICH ARE DRAWN UP OR PRODUCED DURING THE
TERM OF THIS AGREEMENT AND AS A CONSEQUENCE OR BECAUSE OF
THE PROGRAMS AND ACTIVITIES CONTAINED THEREIN; THIS IS
ALSO VALID FOR REIMBURSEMENTS ACCORDING TO GERMAN LAW AND
CONCERNING EMPLOYEE INVENTIONS. THE NRC FOREGOES MAKING
CLAIMS AGAINST THE FEDERAL MINISTER OF THE INTERIOR ARIS-
ING FROM THE U.S. ATOMIC ENERGY ACT OF 197D54 IN ITS
CURRENT WORDING.

7. (2) THE CONTRACTING PARTIES AGREE TO DETERMINE JOINT-
LY THE PROCEDURES REQUIRED INDIVIDUALLY FOR THE PATENT LAW
SPECIFICATIONS OF THIS AGREEMENT AND TO SOLVE ALL CASES
NOT EXPRESSLY SETTLED ACCORDING TO THE PRINCIPLE OF EQUAL
UTILITY FOR BOTH CONTRACTING PARTIES IN MUTUAL UNDER-
STANDING.

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8. (3) IN THE CASE OF A LICENSE WHICH THE RECEIVING CON-
TRACTING PARTY GRANTS TO A THIRD PARTY, THE CONDITIONS TO
WHICH THE RECEIVING CONTRACTING PARTY ARE LIABLE WITH RE-
SPECT TO THIS LICENSE ARE ALSO MADE INCUMBENT ON THE
THIRD PARTY. THE THIRD PARTY IS TO BE ESPECIALLY OBLIGED
TO MAKE AVAILABLE INVENTIONS OR OTHER KNOWLEDGE WHICH HE
ACQUIRES DURING EXERCISE OF THE LICENSE TO HIS GRANTOR IN
ORDER THAT THESE INVENTODIONS OR SPECIAL KNOWLEDGE CAN, IF

NECESSARY, BE UTILIZED WITHIN THE SCOPE OF THIS AGREEMENT.

9. (4) THE UTILIZATION OF DISCOVERIES IS UNINHIBITED,
MOREOVER, SUBJECT TO SPECIFICATIONS OF ARTICLE 6 OF THE
AGREEMENT. KISSINGER

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